



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
PALATINE, IL 60067-5339 – (847) 359-9050
<http://www.palatine.il.us>

PLAN COMMISSION MINUTES • SEPTEMBER 1, 2020

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Conrad Hansen	Plan Commissioner	Present	
Dennis Dwyer	Chairman	Present	
Jane Robins	Plan Commissioner	Present	
Patrick Noonan	Plan Commissioner	Present	
Teri Williams	Plan Commissioner	Present	
Eric Friedman	Plan Commissioner	Present	
Rodney Bettenhausen	Plan Commissioner	Present	
Robert Kolososki	Plan Commissioner	Absent	
Stephen Fedota	Plan Commissioner	Present	

Staff present: Mr. Ben Vyverberg

II. APPROVAL OF MINUTES

1. Plan Commission - Regular Meeting - Jul 7, 2020 7:00 PM

Mr. Bettenhausen amended page 3 in the third paragraph the word time should have said type.

Mr. Noonan made a motion to approve the amended minutes of July 7, 2020; seconded By Mr. Friedman.

RESULT:	ACCEPTED AS AMENDED [UNANIMOUS]
MOVER:	Patrick Noonan, Plan Commissioner
SECONDER:	Eric Friedman, Plan Commissioner
AYES:	Hansen, Dwyer, Robins, Noonan, Williams, Friedman, Bettenhausen, Fedota
ABSENT:	Kolososki

III. CASE STAFF STATEMENTS

1. Preliminary and Final Plat of Subdivision to Permit a 3-lot Subdivision; Rezoning from R-1 to R-2 Single-family Residential, and a Variation to Permit an 8-foot fence, instead of the maximum permitted 6-foot fence in the residential district, pursuant to Section 6.03 (b) (1) of the Village of Palatine Zoning Ordinance, for the property at 501 W. Dundee Road

Chairman Dwyer read the notice of public hearing that was published in the Daily Herald on August 17, 2020 and mailed to the owners of the surrounding properties.

The following petitioner's exhibits were introduced:

1. Public Notice
2. Petitions for Hearing
3. Proof of Ownership
4. Plat of Subdivision- Louise Lane
 5. Engineering Plans
 6. Email submitted for Public Hearing 20-11 501 W Dundee

**Sworn in petitioner: Jerome Pinderski- attorney -Pinderski & Pinderski LTD
115 W. Colfax Street Palatine, IL**

Timothy Saunders 214 Compton Lane Schaumburg, IL owner

Cliff Toberman- Engineer -115 S Wilke Rd Arlington Heights, IL

Dean Malicki- Builder -2802 Owl Lane Rolling Meadows, IL 60008

Mr. Pinderski explained the proposed Louise Lane subdivision is a small project involving a single lot created in cook county many decades ago. He spoke to the surrounding area consisting of Deer Grove forest preserve to the north, Palatine Park District trail system to the west, and two R2 compliant subdivisions both to the east and west of the trails. Mr. Pinderski stated the site is approx. 1.08 acres, which currently consists of a single-family home served by well and septic that is very poor condition. Mr. Pinderski explained the request is to rezone the property from R1 to R2 to effectively emulate the site development work that has been done on neighboring properties. He stated he is looking for approval for a 3-lot subdivision with a height variance for a fence along the Dundee Road border. Mr. Pinderski explained the intent is to build 3 custom homes that will enhance the immediate community and the town as a whole. Mr. Pinderski stated each lot meets or exceeds every R2 requirements. He spoke to the extensive Civil engineering documents explaining for a small subdivision they will be doing a lot of work in terms of storm water management and utility connections. He pointed out the property has sat for 5-6 decades with no storm water management so the proposed improvement will dramatically improve the storm water management of this property as well as the neighbors'. Mr. Pinderski spoke to the agreed improvements to Louise Lane, which is considered a substandard street. He explained they will be making significant widening improvements to bring up to Village code and will be adding curbing and other improvements that will enhance the roadway for their use as well as for the

properties to the south. Mr. Pinderski stated they seek to obtain recapture for some portion of roadway improvements from the properties to the south that stand to benefit.

Mr. Pinderski spoke to the only variance being requested for the height of the fence along Dundee road. He explained due to the topography they are requesting 8ft to create a reasonable barrier from traffic and noise of Dundee Road. He spoke to the northern edge of the property sloping to the east, which requires the variance to the pedestrian fence with a uniform height. Mr. Pinderski stated they spoke to staff about the possibility of some portions of the fence requiring up to 10ft planks to keep the fence uniform. He corrected the material of the fence will be vinyl not aluminum.

Cliff Toberman civil engineer

Mr. Toberman stated they have been working on this project for approx. 18 months. He spoke to the 8" water main located on the east side to allow connection to service. He explained the public main for the sanitary sewer would be extended along the east side of the right of way. He spoke to grade, sewer and topography of the property runs west to east on the site. Mr. Toberman stated Louise Lane is pretty flat with limited ditches and landscaping. He spoke to drainage system that forms a crown. He stated the west side drains into the park district ditch system that flows south, the east side drains into an easement area on adjacent property that have a 15" storm sewer and a catch basin that is tied into the lake drainage, northeast corner has an IDOT storm sewer that takes drainage north to forest preserve for right of way water. He stated the IDOT system can handle any overflow if the other systems back up.

Mr. Toberman spoke to the design standpoint explaining the foundations were set 2 feet above Louise Lane, which is traditional for a subdivision. He explained since the rear of the property was lower it was obvious that is where the storm water detention would be located. Mr. Toberman stated they buried 5 feet off the property line to hold the water. He spoke to the required storm water detention for the 100-year storm event and the 2.5" restrictor that will force the water to be stored in the rear property basin. He further explained during a normal storm event there is 24" storm sewer that runs from the southeast corner up to the northeast corner. He spoke to corner the catch basins to catch drainage. Mr. Toberman stated there is no flood plain on the property. He spoke to the MWRD permit required and their requirements to infiltrate the first inch of water off the impervious area. He explained the underground pipe trench system in the rear yard would infiltrate the inch of water for the frequent rain events. Mr. Toberman spoke to the ditch drainage and culvert catch basin taking on any roadway water that discharges into IDOT storm sewer. He stated this is where the current water flows about will require an IDOT permit. Mr. Toberman pointed out the berm, which will ensure no water flows to the Subdivision to the east. He spoke to the extension on the Louise Lane roadway and the Dundee intersection, which requires an IDOT permit.

Mr. Hansen asked if the current home as well as the other properties to the south are served by well and septic

Mr. Toberman stated there is a separate sanitary line that runs from the lot to the

south.

Mr. Pinderski explained the home to the south was built as part of the subdivision to the east so it has water and sewer from that development. He further explained that are presently only five homes on Louise Lane. He stated the three homes on far southern end remain on well and septic.

Mr. Hansen asked if the proposed construction will allow the other homes to join or will they need separate lines.

Mr. Pinderski explained their improvements will not provide direct access.

Mr. Toberman explained they would tap to the line to the south.

Mr. Hansen clarified the proposal would not jeopardize any new development on the west side of Louise Lane.

Mr. Toberman answered that is correct

Mr. Bettenhausen asked about the detention pond and the emergency spillway. He asked if there would be any motion protection provided.

Mr. Toberman stated MWRD would review. He spoke to the overflow width requirements pointing out the site is only 1 acre.

Mr. Bettenhausen spoke to the detention pond stating the plans specify a 24" pipe but the catch basin are labeled as a 48" diameter. He stated according to the details it should be a 60" diameter catch basin.

Mr. Toberman stated it can be done but it depends on the standards. He stated he would review.

Mr. Bettenhausen spoke to the proposed streetlights asking if the 8' bracket span will be over hanging in street

Mr. Toberman answered yes

Mr. Bettenhausen pointed out the street light detail shows only pedestal lights

Mr. Toberman stated the plan view could be incorrect. He stated the detail governs. He stated he would review.

Mr. Pinderski explained there is an overhang light at the intersection of Dundee and Louise Lane. He further explained their plan is to have a pedestal light that will not have an overhang to look more residential.

Chairman Dwyer asked Dundee Road is 2 or 4 lanes

Mr. Toberman stated it is 2 lanes with extra wide shoulder

Chairman Dwyer asked if the right of way is sized for 4 lanes

Discussion on Dundee Road lane-age and possibility of expansion.

Mr. Pinderski stated the plans do reflect the current public right of way

Mr. Friedman spoke to the fence request being nominally an 8ft fence up to 10ft. He asked how the board is to address this.

Mr. Vyverberg stated the notice was for an 8ft fence. He further explained staff would have to determine once they receive approval for location based upon the

final grade staff would have to determine if it complies with the established 8ft. He stated if the grade meanders and continues to set new grades where the fence exceed the 8ft a separate notice may be required.

Mr. Friedman asked Mr. Toberman about the grading.

Mr. Toberman stated it follows parallel to the grade line with a small change on the west end. He stated 95% of fence follows the grade.

Mr. Friedman clarified the property the east (Sanctuary Cove) also has a privacy fence that contours with the grade.

Mr. Toberman stated they are closer to the swale.

Mr. Friedman asked about the roadway design road pointing out the widening stops at the neighbor's driveway. He asked if there was any consideration to make the merge point a little more north or south to not affect the neighbor's driveway.

Referred to site plan slide to show location.

Mr. Friedman stated the Village Engineer may be concerned

Mr. Toberman acknowledged and agreed.

Chairman Dwyer pointed out Village staff would like the fence be moved 5ft to the south to allow for landscaping. He asked if the petitioner has any comments Mr. Pinderski stated they would prefer to retain fence location. He stated the fence will be determined once the final grades are set but do not want to commit until they see final product. Mr. Pinderski stated he would oppose staff recommendation being put in specific conditions of approval but rather part of their comments in engineering review based on final topography.

Chairman Dwyer asked where the fence at Sanctuary Cove is located. He asked if their fence would line up with it and if there is any landscaping to the north of it.

Tim Saunders- developer

Mr. Saunders explained they are trying to keep the line of site consistent. He explained the fence height is due to the concern at the east side where it takes in the water. He stated they want to shut that little portion off and not be noncompliant and keep the top consistent, so it appears consistent.

Mr. Hansen asked if it is the east side where it joins to Sanctuary Cove

Mr. Saunders stated they are not joining the fences, but want it to aesthetically blend and maintain its appearance.

Discussion on where the two fences meet

Mr. Pinderski stated variance specifically requested an 8-10 ft. fence in original request. He further explained they are not looking for a 10ft fence but rather need a few boards to be such to give the appearance of uniformity based on grade,

Mr. Bettenhausen clarified the intent of the fence is to maintain the top uniform and to extend the bottom to meet grade

Mr. Pinderski answered yes

Mr. Fedota asked is there is any fencing being proposed to the west side

Mr. Pinderski answered no pointing out they don't own that property so have no rights to build

Sworn in staff: Ben Vyverberg

Mr. Vyverberg gave a brief overview of the request stating the subject property is approximately 1.038 acres and is currently improved with one single-family residence. The Petitioner, contract purchaser of the Subject Property, is seeking to subdivide the lot into three lots, in order to create three lots and construct three new single-family homes. Therefore, the Petitioner is seeking approval of the following:

1. **Preliminary and Final Plat of Subdivision for a new 3-lot single-family residential development;**
2. **Rezoning from R-1 Single-Family Residential to R-2 Single-Family Residential; and**
3. **Variation to permit an 8-foot fence for the 3-lot Subdivision on the Dundee Road frontage, instead of the maximum allowed 6-foot fence, pursuant to Section 6.03 (b) (1) of the Village of Palatine Zoning Ordinance.**

ANALYSIS:

- The Village annexed the Subject Property into the Village in 1974 and it was platted as part of Enzo Giorgio Subdivision, in 1984. The property has frontage on Dundee Road, which is an IDOT controlled state route (IL-68) and Louise Lane, which is presently a substandard road at approximately 16 feet wide. Louise Lane provides access to Dundee Road for the five homes (including the 501 W. Dundee Road Property, which has access to both roads) along Louise Lane.
- The Cook County Forest Preserve's Deer Grove is located directly across Dundee Road and the Palatine Park District's Palatine Trails is located directly west of the Louise Lane Right of Way.
- One single-family home exists on the lot and the Petitioner intends to demolish the structure, and construct three new single-family homes.
- The proposal includes rezoning the property from R-1 to R-2 and the proposed lots meet and exceed all of the bulk and setback requirements for the R-2 district. The following table provides an analysis of the proposed lots:

	Proposed Lot Size (10,000 SF for corner lots and 9,000 SF required)	Lot Width (85 feet - corner; 75 feet interior required)	Lot Depth (110' required)
Lot 1	17,006 sq. ft.	108.49 feet	115 feet

Lot 2	13,155 sq. ft.	80 feet	152 feet
Lot 3	15,054 sq. ft.	80 feet	176 feet

- As part of the proposed improvements, Louise Lane will be widened to the required minimum Village standards, which includes a 9 foot 3 inch widening of Louise Lane along the frontage of the proposed three lots. Sidewalks would also be included in the right-of-way improvements.
- A storm water detention basin is proposed on the east sides of the lots and would be platted within a 40-foot detention area easement. A homeowners association and required declarations for the maintenance of the stormwater detention basin and any other required common improvements are required conditions of the proposed subdivision. The basin would be designed to the 100-year high water elevation of 772.5.
- In addition to the detention basin, approximately 530 LF of storm sewer will be installed, with the proposed engineering improvements. The stormwater improvements also include proposed drainage ditches in front of all three lots, which are located in between the concrete ribbon for Louise Lane and the sidewalk in the right-of-way. The drainage ditches will lower the existing elevations by approximately 2 feet and route the stormwater north, through grading for overland flow, to the detention basin behind the homes.
- Approximately 317 LF of sanitary sewer will be installed to connect to the existing sanitary sewer in the Dundee Road right of way.
- There is an existing water line running on the east side of Louise Lane, which connects to both the water line along Dundee Road and also loops to serve the Sanctuary Cove subdivision to the east. The existing water service would provide access connections for the proposed homes.
- As required by MWRD (Watershed Management Ordinance), volume control for the Subdivision is required, as the site is larger than 1-acre.
- Sidewalks and parkway trees would be installed as part of this proposal in accordance with the Subdivision Regulations. It should be noted that IDOT will not likely allow parkway trees in the IDOT right-o-way, due to the visibility concerns, the permitted speed limit, and the slight curvatures of Dundee Road.
- The Subdivision proposes approximately 92 linear feet of 8-foot tall interlocking aluminum picket fencing on the north side of the subdivision. The proposed fence is located 8 feet from the Dundee Road property line and within the proposed 20-foot drainage and utility easements. Its proposed location is directly south of a drainage swale.

Mr. Bettenhausen referred to the utility plan asking if the patio encroachment on site 1 in the detention easement is acceptable

Mr. Vyverberg explained any patio in the easement will need to be reviewed by the Village Engineer and based on grading it is unlikely they will not support.

Sworn in Mr. Greg Canella 1542 Pendleton Court

Mr. Canella expressed his concern about water drainage. He stated his sump

pump runs every day even in the middle of a drought.

Chairman Dwyer explained the idea of the detention basin is to hold water and not allow more runoff than present and most likely will improve. He further pointed out the Village Engineer will review to ensure it meets the standards.

Mr. Toberman explained the plan consists of a storm sewer at rear property line with underdrain. He stated they will cut the water off, berm it and put gravel trench amongst the 24" pipe and underdrain. He stated there may be more impervious surface but with the added drainage it will limit the drainage contribution from the site.

Mr. Canella asked where the proposed homes sump pumps will run to.

Mr. Toberman explained currently the plan shows the sump pumps on the south side and will discharge toward drainage system to the road.

Sworn in Mr. Al Maslowski 1552 Pendleton Ct

Mr. Maslowski spoke the property being below grade and how water sits there. He stated his basement has flooded due to the water issues in the area. He stated he thinks it is appropriate they bring the fence all the way to their current fence to look uniform.

Chairman Dwyer asked if the existing fence goes all the way to 1542.

Mr. Maslowski answered no.

Chairman Dwyer clarified in order to build together they would have to build on someone else's property.

Mr. Maslowski answered yes.

Chairman Dwyer discussion would have to be made with developer.

Mr. Maslowski pointed out the lake they are referring to is actually a run off from the park district on the golf course. He stated the 13 homes in Sanctuary Cove put private dollars to maintain that runoff/pond. He expressed concern if there is added water to the pond how it will affect the other properties that currently have their sump pump running there.

Mr. Toberman referred to the site plan slide to show existing ditch and where their proposed ditch that runs out to Dundee. He pointed out the added 24" storm sewer with gravel trench and under drain with a 2.5" restrictor basically will stop the water.

Sworn in Galena Menikhes 1542 Pendleton Ct.

Ms. Menikhes expressed concern with the corner of her property which she has to clean 2 times a year. She stated there is a hole under Dundee and due to the trees the hole gets blocked with leaves and the builds up and her basement floods.

Chairman Dwyer stated there will be less water runoff. He stated they will be storing the water on their property in the detention area and releasing slowly. Chairman Dwyer stated the drainage ditches do have problems and need to be cleaned out but that it is not up to the developer of property. He stated it is more up to IDOT to maintain drainage. Chairman Dwyer stated this is beyond the

scope of the Plan Commission.

Mr. Maslowski expressed concern with the lights being so significant that it will affect their ability to sleep. He asked what the price point of the properties

Mr. Malicki stated the price will be over \$600,000.

Discussion on the current fence on northern border and the possibility of connecting to the proposed,

Sworn in Vivek Babbar 1550 Louise Lane

Mr. Babbar asked if there will be a partition between the subject property and his. Mr. Pinderski stated there is no plans for fencing. He explained there will be landscaping but no barrier between lot 3 and his home.

Mr. Babbar expressed concern with the road expansion and the convergence at his driveway.

He stated he came to the city about the lighting and was told it is a private street and they will not take care of it.

Chairman Dwyer asked if the improved portion of Louise Lane be dedicated to the Village and be maintained by Village.

Mr. Vyverberg explained this will be addressed during the staff recommendation. He spoke to the history and development of the properties explaining the Village has no plans to update the roadway. He stated the petitioner is required as part of the subdivision development to make such improvements.

Chairman Dwyer asked if the Village will maintain the portion that is updated.

Mr. Vyverberg stated that is intention as long as it is in the right of way.

Mr. Pinderski stated Louise Lane is currently a dedicated public street. He stated it has been part of the Village for 42 years and the Village has an obligation to maintain.

Chairman Dwyer suggested Vivek to speak to his trustee as this is outside the scope of the Plan Commission

Mr. Babbar asked if there will be any hazards turning from Dundee to Louise Lane such as parking on one or both sides

Mr. Vyverberg stated typically if the upgrade is approved the Village Engineer and the Traffic Engineer will assess and additional traffic limitations.

Chairman Dwyer stated the Village traffic committee would be the appropriate place to determine these limitations.

Mr. Babbar expressed concern with drainage

Chairman Dwyer stated the testimony is the runoff would be less than what is currently

Mr. Babbar asked if it will affect the pond run-off that also has drainage under his

driveway.

Mr. Toberman referred to the utility plan slide to show the drainage run off

Mr. Babbar asked about the drainage in the front driveway

Mr. Toberman referred to the proposed ditch with culverts at each side

Mr. Babbar asked about the backflow.

Mr. Toberman explained where they are out letting there is a deep ditch with a pipe going under Dundee. He stated they have no control of IDOT but are improving the ditch with storm sewer and catch basins. Mr. Toberman stated it will be a major improvement.

Sworn in Mr. Leroy Finch 1511 Pendelton Ct

Mr. Finch spoke to the pond and how there is a concrete structure at the inlet but none at outlet which over the years has silted in. He stated the golf course used to dig the area out. He stated the fencing along golf course is under water because of elevation of pond. He spoke to times where water causes cones to restrict lane usage. He acknowledged there might be clogs in the pipe going into forest preserve. Mr. Finch stated the back end of his property is under waterway more than 1990. He asked if there is any additional flow going into the pond.

Mr. Toberman explained the outlet for the rear portion is right at the upper northeast corner connecting to an existing catch basin and easement.

Mr. Finch asked if it would be restricted

Mr. Toberman answered yes with a 2.5" restrictor. He stated there may be a problem with maintenance.

Mr. Finch spoke to the changes of grading and settling due to elevated pond levels. He stated he changes his sump pumps every other year. He spoke to the fence and berm along Dundee and asked if there is a plan for landscaping along north side of fence

Chairman Dwyer explained as currently planned there is no room for landscaping. He stated Village staff would like to move the fence moved south to allow landscaping.

Mr. Finch expressed concern that it will look inconsistent

Chairman Dwyer stated that will be discussed

Mr. Finch asked staff is detention will have a water proof liner

Mr. Toberman answered no

Mr. Finch asked how many feet of clay

Mr. Toberman explained there will top soil built on top of the clay. He spoke to the plans per Village and MWRD requirements.

Chairman Dwyer stated the elevation of the pond is outside of the scope of the hearing. He recommended contacting the Village Engineer.

Mr. Vyverberg stated staff will follow up with the Village Engineer on the questions that have been asked.

Mr. Pinderski spoke to the design of the proposed fence. He explained the design is to mirror visually the fence to the east pointing out if the fence is moved south it will not match up. He further explained the fence location is due to the contours for drainage that need to be kept unrestricted.

Chairman Dwyer spoke to the landscaping to soften the appearance of the fence. He asked if they would be willing to soften the appearance of fence

Mr. Vyverberg stated per Village code requirements landscape is required on the street side of the fence.

Chairman Dwyer stated this should be addressed before it goes to the Community Economic Development Committee

Sworn in Mr. Cliff Haslop 1501 Pendelton Ct

Mr. Haslop asked if the proposed homes would have a HOA.

Mr. Vyverberg explained the common area improvements including the catch basin and the drainage area on the east side would be required to be part of HOA declarations.

Mr. Haslop asked if there will be any restrictions on building fences on the rear of the property or south edge of property.

Mr. Vyverberg stated only if it is not conducive per the Village engineer review to be located in a drainage and detention easement.

Mr. Haslop spoke to the HOA to the east having a covenant restricting fences between property lines.

Mr. Pinderski stated they would be happy to include the restriction. He stated they could not put a fence on eastern border because it would negatively affect the engineering plans provided.

Discussion on fence restrictions.

Mr. Haslop asked what the square footage of the proposed homes is.

Mr. Malicki stated they would be approx. 2700 sq.ft. ranches.

Mr. Hansen asked about the proposed lot 2 and 3 showing the driveway in the middle of homes.

Mr. Malicki explained these are tentative drawings

STAFF RECOMMENDATIONS:

The subdivision and rezoning from R-1 to R-2 are consistent with the surrounding residential redevelopment patterns in the area. Sanctuary Cove (14-lot subdivision directly east of the Subject Property - approved as a Planned Development to the R-2 lot standards in 1989) and Sanctuary Trails (12-lot subdivision directly west of the Subject Property- approved as an R-2 zoned subdivision in 1990) are similar developments to the proposed 3-lot subdivision.

The Village Engineer has reviewed and approved the proposed engineering plans. All of the proposed lots exceed the minimum required R-2 bulk standards and comply with all of the setback requirements and minimum required lot depth per the Subdivision Ordinance.

Staff does not object to having a fence located on the north side of the Subdivision. Many of the surrounding developments have fencing located on their Dundee Road frontages, with landscaping included. Per Code, landscaping would be required on the Dundee Road side of the fence. Staff recognizes that the installation of landscaping would not be practical in the proposed location or within the adjacent drainage swale. In review of the proposed plans, Staff believes that the fencing could be relocated 5 feet to the south, where the ground levels and landscaping could be included. This would still provide screening for the homes and approximately a 9-foot separation from the home on Lot 1.

With the proposed subdivision, Louis Lane would serve seven homes in this area. In reviewing the existing lots along Louise Lane, there is potential for additional future subdivisions. The proposed subdivision is the first such on Louise Lane, since the annexation of these properties in 1974. As a condition of the proposed, the Village reserves the right to vacate, with a reservation of easements, any portion of the Louise Lane right-of-way in the future. The condition would require the property owners to be responsible for their proportionate share of costs relative to the street and its maintenance. Therefore, Staff recommends approval of the proposed request, subject to the following conditions:

- 1. The development shall substantially conform to the Plat of Subdivision and the Engineering Plans by Norman J. Toberman & Associates, dated 01/03/19 last revised 07/01/2020, except as such plans may be revised to conform to Village Codes and Ordinances.**
- 2. A Public Improvement letter of credit or appropriate security shall be submitted in a manner acceptable to the Village Engineer.**
- 3. Review fees in the amount of 1.5% of the total project improvement costs (as defined in the Village Code) shall be submitted in a manner acceptable to the Village Engineer.**
- 4. The Final Engineering Plans - Norman J. Toberman & Associates, LLC last revised on 07/01/20 and the Engineer's Estimate of Probable Cost shall be revised in a manner acceptable to the Village Engineer.**
- 5. The Final Plat of Subdivision shall be submitted on Mylar and significantly conform to the Plat of Subdivision prepared by David Bycroft and attached hereto.**
- 6. A Subdivision Improvement Agreement shall be submitted.**
- 7. Prior to the issuance of a building permit for any home, the developer shall complete the detention basin installation and storm sewer extensions, with**

site development approval from the Village Engineer.

8. The HOA declarations shall be prepared and revised in a manner acceptable

to the Village Attorney, prior to the issuance of a building permit.

9. Pursuant to the Village Attorney approved declarations, a Homeowners Association shall be created and established to maintain the stormwater detention basin (east side of Lots 1-3) and any required common improvements. Said homeowners association shall be perpetually maintained by the property owner (s) or subsequent mortgage holders, in a manner acceptable to the Village Attorney.

10. In the event any portion of the existing Louise Lane Right-of-Way is vacated by the Village of Palatine, the Property Owner hereby agrees, by virtue of acquiring title to the property that is the subject of this restriction, that it will be responsible for its proportionate share of the ownership maintenance, repair, replacement and removal costs of the vacated Louise Lane. Said proportionate share shall be determined based upon the percentage of frontage of the vacated portion of Louise Lane.

11. Recording fees in the amount of \$300 shall be submitted.

12. Parkway trees shall be planted across the frontage at a spacing no greater than 40' on center in a manner acceptable to the Director of Planning and Zoning.

13. The elevations shall comply with the architectural design guidelines outlines in the Village's monotony code.

14. The final fencing plan shall be revised in a manner acceptable to the Village of Palatine.

15. Given the proximity to Dundee Road, a construction management schedule (including a contractor parking plan and material haulers) shall be submitted in a manner acceptable to the Village of Palatine, prior to the issuance of a building permit.

16. IDOT, MWRD, and NPDES permits are also required for this development.

Mr. Hansen asked about condition #10. He clarified this includes any area south of the property as well.

Mr. Vyverberg explained the intention is to reserve the right to vacate any portion of the right of way. He stated specific to the proposed 3 lots the homeowners will be reasonable. He stated if in the future any portion is redeveloped, it will be a similar circumstance for the other property owners affected by that.

Mr. Hansen asked if that should be specifically specified in the condition

Mr. Vyverberg stated it was drafted with the Village Attorney and forwarded to the petitioner's attorney prior to the hearing. He stated any revisions to wording will be worked out among them.

Chairman Dwyer stated he has 3 suggestions for revisions of recommendations.

He recommended the HOA declaration prohibit fences along the eastern property lines

Mr. Vyverberg clarified the request was for fences between the homes as well to be in conjunction with Sanctuary Cove.

Mr. Pinderski stated he will be happy to restrict the side fences running east and west because they will have nothing to connect with.

Chairman Dwyer clarified the wording should state prohibit fencing except for along Dundee Rd.

Mr. Vyverberg acknowledged the amendment

Chairman Dwyer recommended amending #12 for parkway trees adding the words and as permitted by IDOT.

Mr. Vyverberg stated it is unlikely IDOT will allow parkway trees given the curvature of Dundee Road and the speed of traffic. He explained this condition was more for Louise Lane. He stated if IDOT allows parkway trees it would be acceptable by staff.

Chairman Dwyer recommends amending #14 to state the fencing plan should be in accordance with discussion with the Village of Palatine to provide uniformity along Dundee Road.

Mr. Vyverberg added to include and the potential for landscaping.

Discussion on wording and how specific the uniformity should be.

Chairman Dwyer asked how the 8-10 ft. height uniform should be addressed.

Mr. Vyverberg stated staff will have a discussion the petitioner explaining with the deviation of grade it complies with the definition of measurement of fence if the grade is 95% consistent. He stated staff will review and if it doesn't comply with the notice a separate notice will need to be sent out.

Chairman Dwyer asked Mr. Friedman about his concern with the roadway expansion ending at the neighbor's driveway.

Mr. Friedman stated as long as it is reflected in the records for staff and the Village Engineer to further review with the project engineer.

Mr. Vyverberg stated he will follow up with the Village Engineer with all concerns. He pointed out the condition that all plans submitted must be acceptable by the Village Engineer.

Mr. Hansen asked Mr. Pinderski if he can and will comply with staff's conditions.

Mr. Pinderski answered yes if #14 was clarified. He pointed out it is out of the Village scope to make him build beyond his property line. He stated he is happy to work with staff. Mr. Pinderski further explained he is looking to build an 8ft fence but his request clearly indicated some of the fence may have to be up to 10ft to maintain uniformity. He asked for flexibility on condition #14 to be able to meet with staff.

Discussion on rewording #14

Mr. Vyverberg clarified the wording and indicated that Staff will work with the Petitioner regarding the final fencing setback, the inclusion of landscaping, within the final fencing and screening plans.

Mr. Pinderski stated the issue is to include that the developer has a say in how the final fence design comes together.

Mr. Vyverberg spoke to the landscaping that is required and agreed that staff and the developer can come up with a solution that takes all concerns in account.

Chairman Dwyer asked to make note in the minutes the petitioners concern with condition #14

Mr. Pinderski accepted staff's conditions with the note on #14.

Mr. Noonan made a motion to close the public hearing; seconded by Mr. Fedota.

DISCUSSION:

Chairman Dwyer recused himself from voting

Mr. Noonan spoke to the drainage concern. He pointed out the proposed is following both Village and MWRD requirements. He pointed out some conditions present concern.

Mr. Noonan made a motion to approve with staff's 16 conditions as revised; seconded by Mr. Friedman.

Chairman Dwyer summarized that this request has met the standards and was unanimously approved by a vote of 7-0-1. This item will tentatively go to the Community and Economic Development Committee of the Village Council on September 14, 2020

RESULT:	RECOMMENDED TO APPROVE [7 TO 0]
MOVER:	Patrick Noonan, Plan Commissioner
SECONDER:	Eric Friedman, Plan Commissioner
AYES:	Hansen, Robins, Noonan, Williams, Friedman, Bettenhausen, Fedota
ABSTAIN:	Dwyer
ABSENT:	Kolososki

2. Text amendment to Article 14 – Administration – Section 14.05 (b) Administrative Special Uses, Minor Special Uses, and Special Use Amendments

Chairman Dwyer read the notice of public hearing that was published in the Daily Herald on August 17, 2020 and mailed to the owners of the surrounding properties.

The following petitioner's exhibits were introduced:

1. Public Notice
2. Proposed Text Amendments- Article 14- Pergolas and Gazebos

Mr. Vyverberg gave a brief overview of the text amendment explaining staff has noticed a prevailing circumstance regarding building permits over the past few years. He spoke to the current accessory structure regulations that apply to pergolas. He spoke to the setback from the principal structure stating people tend to put the pergolas on their patio and run into problems with the 10ft separation. He suggested amending the accessory structure requirements for administrative special use to allow pergolas and gazebos to be eligible for minor special use which is an administrative process should they not meet the 10ft. setback. Mr. Vyverberg stated the long term goal is to determine what the appropriate regulations for pergolas would need to be and will seek to place them in a position where they are permitted outright. Mr. Vyverberg explained this allows someone to go through a minor administrative process while still maintain the integrity of height limitation and minimum setback of rear and side yards. He stated staff recommends including pergolas and gazebos to be reviewed under minor special use according and recommend the board's approval.

Mr. Fedota asked what the administrative process for a minor special use includes.

Mr. Vyverberg explained this process is allowed for sheds that don't meet setback requirements. He explained it involves getting sign off approval from the surrounding property owners and is administratively approved and goes through the Village Council on a consent agenda format.

Mr. Friedman asked how do residents put these in place. He asked if a permit is what triggers the request.

Mr. Vyverberg explained the process.

Mr. Noonan made a motion to close the public hearing; seconded by Ms. Williams.

Mr. Noonan made a motion to accept the text amendments; Seconded by Mr. Hansen.

Chairman Dwyer summarized that this request has met the standards and was unanimously approved by a vote of 8-0. This item will tentatively go to the Community and Economic Development Committee of the Village Council on September 14, 2020

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
MOVER:	Patrick Noonan, Plan Commissioner
SECONDER:	Teri Williams, Plan Commissioner
AYES:	Hansen, Dwyer, Robins, Noonan, Williams, Friedman, Bettenhausen, Fedota
ABSENT:	Kolososki

IV. COMMUNICATIONS

V. ADJOURNMENT